

Notice of Allowability

Application No.

10/827,455

Examiner

Michael P. Stafira

Applicant(s)

PRAKASH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to remarks dated 5/11/2005.
2. ☒ The allowed claim(s) is/are 1-52.
3. ☒ The drawings filed on 19 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-52 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The Applicant demonstrated to the Examiner's satisfaction in the Remarks Dated May 11, 2005 and the Interview dated May 10, 2005 that, with respect to the U.S.C. 103(a) rejection of Yamaguchi et al. in view of Nakazono is not applicable to the Applicant's invention.

Regarding claim 1, the prior art fails to disclose or make obvious a device for characterizing a target coating containing unknown metallic flakes having a means for measuring characteristics of said metallic flakes in said target image at said preset intensity; (vii) means for correlating said characteristics of said unknown metallic flakes in said target image to stored characteristics of known metallic flakes at said preset intensity to identify one or more said known metal flakes that match said characteristics of said unknown metallic flakes; and (viii) means for displaying said identified one or more known metal flakes that match said characteristics of said unknown metallic flakes, and in combination with the other recited limitations of claim 1. Claims 2-16 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 17, the prior art fails to disclose or make obvious a method for characterizing a target coating containing unknown metallic flakes having the steps of measuring characteristics of said unknown metallic flakes in said target image at said preset intensity; (iv) correlating said characteristics of said unknown metallic flakes in said target image to stored characteristics of known metallic flakes at said preset intensity to identify one or more said

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known metal flakes that match said characteristics of said unknown metallic flakes; and (v) displaying said identified one or more known metal flakes that match said characteristics of said unknown metallic flakes, and in combination with the other recited limitations of claim 17.

Claims 18-22 are allowed by the virtue of dependency on the allowed claim 17.

Regarding claim 23, the prior art fails to disclose or make obvious a method for characterizing a target coating containing unknown metallic flakes having the step of sequentially measuring characteristics of said unknown metallic flakes in said target images; (iv) correlating said characteristics of said unknown metallic flakes in said target images to benchmark characteristics of known metallic flakes at said preset intensities to identify one or more said known metal flakes that match said characteristics of said unknown metallic flakes; and (v) displaying said identified one or more known metal flakes that match said characteristics of said unknown metallic flakes, and in combination with the other recited limitations of claim 23. Claims 24-50 are allowed by the virtue of dependency on the allowed claim 23.

Regarding claim 51, the prior art fails to disclose or make obvious a method for characterizing a target coating containing unknown metallic flakes having the step of directing a reflection of said coated surface to a photosensitive surface to sequentially capture images in a gray scale of said target portion at said preset intensities at said three preset intensities; sequentially measuring characteristics of said unknown metallic flakes in said target images; correlating said characteristics of said unknown metallic flakes in said target images to benchmark characteristics of known metallic flakes at said preset intensities to identify three said known metal flakes that match said characteristics of said unknown metallic flakes; displaying

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said identified one or more known metal flakes that match said characteristics of said unknown metallic flakes, and in combination with the other recited limitations of claim 51.

Regarding claim 52, the prior art fails to disclose or make obvious a method for producing a metallic flake containing composition, wherein a coating therefrom matches characteristics of a target coating containing unknown metallic flakes having the step of preparing one or more test coating compositions containing said identified known metal flakes; applying said test coating compositions over test substrates to produce test coatings thereon comparing said test coatings against said target coating to select test coating having characteristics that match said characteristics of said target coating; and selecting test coating composition that produces said matched test coating, and in combination with the other recited limitations of claim 52.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael P. Stafira
Primary Examiner
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May 20, 2005